



## INFOBAHN OUTFITTERS

November 30, 2000

Ms. Magalie Roman Salas  
Office of the Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

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**FCC MAIL ROOM**

RE: GN DOCKET NO. 00-185

Dear Ms. Salas:

We own and operate a small, independent Internet Service in rural Illinois. We urge the Commission to adopt a nationwide, enforceable open access policy that applies to all cable operators. We support a highly competitive, "open" Internet. We urge the FCC to act quickly to ensure that "last mile" cable broadband transmission facilities remain accessible to all ISPs. Equal access to these facilities for all Internet Service Providers (ISPs) is critical in avoiding obstacles that will otherwise reduce competition and consumer choice in ISP services. A national, enforceable policy of continued universal open access to the Internet supports consumer choice. An openly competitive arena ensures rapid deployment of competitive broadband networks, benefiting the public and creating economic growth and opportunity.

Our company, Infobahn Outfitters, has offered local Internet access in 7 telephone exchanges in rural western Illinois for the past 5 years. We serve approximately 5500 customers. We began with four employees and we currently employ 18 area residents. The largest market we serve has an estimated total population of 24,000 and our smallest market has a population of less than 1,500. In two of our markets we are the only Internet access via a local call. In two other markets, our only competition is another small, independent ISP.

In addition to access services, our company provides web hosting and web development services to approximately 200 customers. Most of these are agencies and businesses in our region that prefer to work with another locally owned business. We also work with 33 public libraries in the development of web-based community information systems ([www.hccweb.com](http://www.hccweb.com)). In addition, we have developed pro bono websites to promote area communities on the Internet (e.g. [www.macombs.com](http://www.macombs.com)). We also offer Internet classes, consulting, and individualized training services.

We pride ourselves on our ability to thrive in small rural markets where other ISPs have failed and where national ISPs have shown no interest. We have remained successful by offering the most advanced technology available to us in these areas. At present that availability is extremely limited. In fact, ISDN has never been available in any of our 7 markets. Our customers are anxious for higher speed access and we are anxious to provide it for them. However, wire-based broadband (DSL or cable) is not currently available in any of the markets we serve, although we have been told that both DSL and cable Internet access will be introduced to some of our markets in the next year. Without access to cable transmission facilities we believe we will be unable to offer competitive broadband services.

About 80% of our customers live in population centers where cable and DSL are likely to become available. The remaining 20% live beyond the technical distance limitations of DSL and the current cable television infrastructure. We believe there is no viable business model for providing access only to the most sparsely distributed 20% of our customer base that will not have access to cable or DSL. If the inability to compete in broadband in the population centers forces local rural ISPs out of business, these 20% will not only be without broadband access – but will lose their current local phone call Internet access as well.

Competition in rural markets is difficult to achieve. Despite telephone deregulation and the advent of CLECs, no competitive local telephone services are available to us. However, many independent ISPs such as ourselves are providing high-quality Internet access and are committed to continuing to do so. Therefore, it is critical that the FCC promote universally open cable access to all ISPs to ensure that the rural public continues to have choices in services.

Today, consumers across the United States choose from among thousands of companies offering an array of Internet access and content alternatives. This competitive environment has enabled thousands of entrepreneurs, including us, to innovate and compete. The public has reaped the benefits in price and performance of Internet services. Competition has also fueled dynamic investment and growth in the Internet. It is no coincidence that our nation's economic growth has coincided with the exponential growth of Internet access and commerce.

In light of this success, we urge the FCC to adopt a national open access policy consistent with these key points:

1. The government should not allow cable operators to reverse the present policy of consumer choice by limiting access to “last mile” broadband networks.

If cable operators control their broadband networks in a way that erodes the fundamental openness of the Internet, consumers will have fewer choices in products, services, features and price. Limiting consumer choice in Internet access will block the creativity and innovation that are today the hallmark of the Internet and will introduce monopolistic practices into the proven successful competitive Internet environment.

We urge the Commission to support consumer choice, which is the foundation of the vibrant, competitive free market for which our country is so proud.

2. Competition through open access to broadband networks is the key to rapid broadband investment and deployment and therefore pivotal to future economic growth.

As competitors in the Internet marketplace, we are eager to join in bringing the tremendous promise of broadband Internet to consumers. We support efforts to speed the deployment of these networks. Open access is crucial to accelerating the adoption of high speed Internet services, and remains key in bringing American consumers the many benefits of broadband services. These benefits will not be fully or quickly realized if the providers of underlying, last mile, broadband transport services offer consumers only one option—their own affiliated Internet service provider.

It has been a critical element of this nation's policy to develop local competition in our communications infrastructure. Open broadband cable and telecommunications platforms will permit Internet service providers to choose the lowest price, highest performance infrastructure

for their service and thus stimulate competition, investment, and economic growth. We have seen the effect of such competition in the dramatic reductions in prices of Internet backbone connections during the past five years. And open access to broadband platforms will not impede investment—indeed, it will encourage investment, not only from companies building those platforms but also from companies purchasing capacity to offer services over those platforms.

As a member of the openNET Coalition, we believe that a national, enforceable open access policy is required with the following minimum standards:

- Consumers of broadband cable services should have a choice among multiple ISPs
- Cable broadband providers must make high speed transmission available to any requesting ISP on a nondiscriminatory basis, and must allow ISPs to interconnect with cable networks in the most efficient, technically feasible manner available, including, but not limited to, at the headend. ISPs should also be able to add new features, functions and services without the cable operator's approval, as long as there is not any harm to the cable network.
- The number of ISPs utilizing a particular platform should be a function of the number of ISPs that request access, and not subject to any particular limit imposed by the cable operator.
- Cable broadband providers must negotiate at arms length nondiscriminatory commercial arrangements with both affiliated ISPs and unaffiliated ISPs, (including "first screen" placement).
- Consumers must be able to alter their Internet experience as they see fit, including freely (and easily) reconfiguring their "first screen" or "start page"; unaffiliated ISPs must be free to offer their browser of choice and start page to their customers without any restrictions or requirements imposed by the cable broadband provider.
- Customers of unaffiliated ISPs must be able to access content through any interface or portal they choose to use.
- Customers of unaffiliated ISPs must have a choice, through their preferred ISP, of Internet connections at different speeds.
- Cable operators must provide nondiscriminatory network management of their system.
- ISPs should be allowed to purchase broadband backbone transport services of their choice; the cable broadband provider must not be permitted to require an unaffiliated ISP or its customers to install any software on a customer's PC or other device to use the underlying broadband transport service.
- Consumers choosing an unaffiliated ISP must not be required to subscribe to any cable service (e.g., video programming) of the cable broadband provider in order to utilize the high-speed transport service; however, consumers choosing an unaffiliated ISP must be permitted to subscribe to any cable service (e.g., video programming) which would otherwise be available to them or is otherwise generally available.
- ISPs should be able to market their services, including the underlying broadband transport service, directly to all cable customers.
- ISPs should have the choice of operating on a national, regional or local basis.
- ISPs should have the opportunity for a direct relationship with the customer, including (but not limited to) billing for the underlying broadband transport service.
- ISPs should be allowed to provide video streaming and there should be no discriminatory restrictions on provision of content

- ISPs must be able to fully maintain brand recognition in their offerings, and may not be required to “co-brand” or otherwise display the cable broadband provider’s brand.

The FCC must adopt these standards at a minimum so that the vast potential of broadband Internet services—including services and applications we cannot yet fully imagine—is not unnecessarily limited by the “closed” vision of any particular cable broadband provider. Further, it is insufficient to apply these elements to just one cable company. Rather, these elements must apply to all cable broadband providers nationwide to make the open access policy effective, and to sustain the open structure of the Internet that is producing such a remarkable and positive transformation of our world.

Contrary to popular belief, the most profound change that the Internet has produced is not economic. It is the dramatic increase in the free-flow of information among individuals and nations. The recent mergers of large cable and media companies have produced a small group of companies whose goal appears to be to control both information delivery systems and the content to be delivered. Obviously, this places in the hands of a few, an immense power to shape the information available to the public.

A national, universally open cable access policy as outlined above would be a significant deterrent to possible abuse of such power. Without a strong stance by the FCC, we believe U. S. citizens are at risk of losing the unparalleled free-flow of information we have gained in the expansion of the Internet.

Sincerely,



Jeffrey R. Calhoun

Owner/President and CEO



Melissa W. Calhoun, Ph.D.

Owner/Vice President